

“(B) the obligation is not a private activity bond,

“(C) the issuer makes an irrevocable election to have this section apply,

“(D) the obligation is issued during the 8-year period beginning on the date of enactment of this section, and

“(E) 100 percent of the excess of the available project proceeds of such issue over the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue are to be used for capital expenditures.

“(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

“(A) for purposes of section 149(b), a bond shall not be treated as federally guaranteed by reason of the credit allowed under this section, and

“(B) a bond shall not be treated as an American infrastructure bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

“(3) AVAILABLE PROJECT PROCEEDS.—For purposes of this subsection, the term ‘available project proceeds’ means—

“(A) the excess of—

“(i) the proceeds from the sale of an issue, over

“(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

“(B) the proceeds from any investment of the excess described in subparagraph (A).

“(d) SPECIAL RULES.—

“(1) INTEREST ON AMERICAN INFRASTRUCTURE BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any American infrastructure bond shall be includible in gross income.

“(2) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on an issue of American infrastructure bonds shall be reduced by the credit allowed under this section, except that no such reduction shall apply with respect to determining the amount of gross proceeds of an issue that qualifies as a reasonably required reserve or replacement fund.

“(e) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.”

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6431. Credit to issuer of American infrastructure bonds.”

(2) Subparagraph (A) of section 6211(b)(4) of such Code is amended by striking “and 6428A” and inserting “6428A, and 6431”.

(c) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any American infrastructure bond (as defined in section 6431 of the Internal Revenue Code of 1986 (as added by this Act)) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

(d) ADJUSTMENT TO PAYMENT TO ISSUERS IN CASE OF SEQUESTRATION.—

(1) IN GENERAL.—In the case of any payment under subsection (b) of section 6431 of the Internal Revenue Code of 1986 (as added by this Act) made after the date of enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—

(A) such payment (determined before such sequestration), multiplied by

(B) the quotient obtained by dividing the number 1 by the amount by which the number 1 exceeds the percentage reduction in such payment pursuant to such sequestration.

(2) SEQUESTRATION.—For purposes of this subsection, the term “sequestration” means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office of Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010 or future legislation having similar effect.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of enactment of this Act.

RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1046 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1046) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the residential substance use disorder treatment program, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1046) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Residential Substance Use Disorder Treatment Act of 2021”.

SEC. 2. RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT PROGRAM.

(a) AMENDMENTS.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10421 et seq.) is amended—

(1) in the part heading, by striking “SUBSTANCE ABUSE” and inserting “SUBSTANCE USE DISORDER”;

(2) in section 1901 (34 U.S.C. 10421)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “substance abuse” each place it appears and inserting “substance use disorder”; and

(II) by inserting after “programs” the following: “, including medication-assisted treatment programs, which shall be permitted to use any type of medication that has been approved to treat substance use disorders pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355),

or any type of biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262),”; and

(ii) in paragraph (3), by striking “substance abuse” each place it appears and inserting “substance use disorder”;

(B) in subsection (b), by striking “substance abuse” and inserting “substance use disorder”; and

(C) in subsection (c)—

(i) by striking “part for treatment” and inserting “part for—

“(1) treatment”;

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(2) expanding residential substance use disorder treatment programs to use not less than 1 medication or treatment that has been approved to treat substance use disorders pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).”;

(3) in section 1902 (34 U.S.C. 10422)—

(A) in subsection (b)—

(i) in the subsection heading, by striking “ABUSE” and inserting “USE”; and

(ii) by striking “substance abuse” each place it appears and inserting “substance use disorder”;

(B) in subsection (c), by striking “substance abuse” each place it appears and inserting “substance use disorder”;

(C) in subsection (d), by striking “substance abuse treatment” and inserting “substance use disorder treatment”;

(D) in subsection (f), by striking “substance abuse” and inserting “substance use disorder”; and

(E) by adding at the end the following:

“(g) TRAINING REQUIREMENT.—

“(1) IN GENERAL.—To be eligible to receive funds under this part, the chief medical officer of the prison or jail or appropriate staff overseeing the program shall complete training, before or within a reasonable amount of time after receiving the funds, on, at a minimum—

“(A) the science of addiction;

“(B) the latest research and clinical guidance for detoxification and withdrawal management and the treatment of substance use disorders in criminal justice settings;

“(C) strategies for continuity of care during and after incarceration;

“(D) an overview of—

“(i) all medications for the treatment of substance use disorders;

“(ii) how to obtain certification as an opioid treatment provider (OTP) or waivers under the Controlled Substances Act (21 U.S.C. 801 et seq.) for prescribing certain medications; and

“(iii) evidence-based behavioral therapies used in addition to medication to improve medication adherence and treatment outcomes; and

“(E) any other topic determined by the Attorney General, in coordination with the Secretary of Health and Human Services and in consultation with experts in addiction science, to be a core element for successful training under this paragraph.

“(2) REQUIREMENT.—The training required under paragraph (1) shall include guidance on how to—

“(A) engage relevant stakeholders;

“(B) identify available resources for, and gaps and barriers to, providing residential substance use disorder treatment; and

“(C) develop a plan to overcome obstacles to administering and offering medication-assisted treatment.

“(h) PROVIDER AFFILIATION.—Any entity, including a prison or jail, that receives Federal funds for a program or activity that offers medication-assisted treatment shall have an affiliation with a provider that can—

“(1) prescribe not less than 1 medication-assisted treatment to patients after release from the entity; and

“(2) discuss the risks and benefits of, and alternatives to, medication-assisted treatment with patients.”; and

(4) in section 1904 (34 U.S.C. 10424)—

(A) by amending subsection (c) to read as follows:

“(c) LOCAL ALLOCATION.—

“(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under subsection (a) for any fiscal year shall be used by the State to make grants to local correctional and detention facilities in the State (provided such facilities exist therein).

“(2) JAIL-BASED SUBSTANCE USE TREATMENT PROGRAMS.—A jail-based substance use disorder treatment program described in paragraph (1) may be made available to any individual who is—

“(A) awaiting trial or is otherwise in pre-trial detention; or

“(B) serving a sentence of imprisonment in the jail.”; and

(B) by amending subsection (d) to read as follows:

“(d) EVIDENCE-BASED TREATMENTS.—

“(1) IN GENERAL.—A State may use amounts received under this part to—

“(A) provide any type of medication-assisted treatment that has been approved to treat substance use disorders pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and any type of biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), and prescribe overdose reversal medications during the residential substance use disorder treatment program or after care;

“(B) cover costs associated with the training required under section 1902(g);

“(C) obtain waivers under clause (ii) or (iv) of section 303(g)(2)(G) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)); and

“(D) obtain certification as an opioid treatment provider (OTP) in accordance with part 8 of title 42, Code of Federal Regulations, or any successor thereto, or the prescription of medications to treat substance use disorders.

“(2) DEFINITION.—In this subsection, the term ‘medication-assisted treatment’ means a treatment plan that combines behavioral therapy with any type of medication that has been approved to treat substance use disorders pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or any type of biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(17)) is amended to read as follows:

“(17) There are authorized to be appropriated to carry out the projects under part S \$40,000,000 for each of fiscal years 2022 through 2026.”.

(c) DEFINITION.—Section 901(25) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(25)) is amended to read as follows:

“(25) the term ‘residential substance use disorder treatment program’ means a course of comprehensive individual and group substance use disorder treatment services in residential treatment facilities that, to the greatest extent practicable, follow the guidance entitled, ‘Promising Practice Guidelines for Residential Substance Abuse Treat-

ment’, published in November 2017 by the Bureau of Justice Assistance, or as thereafter amended to conform to current standards of care;”.

PROMOTING PHYSICAL ACTIVITY FOR AMERICANS ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 75, S. 1301.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1301) to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1301) was passed as follows:

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Promoting Physical Activity for Americans Act”.

SEC. 2. PHYSICAL ACTIVITY RECOMMENDATIONS FOR AMERICANS.

(a) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2028, and at least every 10 years thereafter, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall publish a report that provides physical activity recommendations for the people of the United States. Each such report shall contain physical activity information and recommendations for consideration and use by the general public, and shall be considered, as applicable and appropriate, by relevant Federal agencies in carrying out relevant Federal health programs.

(2) BASIS OF RECOMMENDATIONS.—The information contained in each report required under paragraph (1) shall be based on the most current evidence-based scientific and medical knowledge at the time the report is prepared, and shall include additional recommendations for population subgroups, such as children or individuals with disabilities, including information regarding engagement in appropriate physical activity and avoiding inactivity.

(3) UPDATE REPORTS.—Not later than 5 years after the publication of the first report under paragraph (1), and at least every 10 years thereafter, the Secretary shall publish an updated report detailing evidence-based practices and highlighting continuing issues

with respect to physical activity. The contents of reports under this paragraph may focus on a particular group, subsection, or other division of the general public or on a particular issue relating to physical activity.

(b) INTERACTION WITH OTHER RECOMMENDATIONS.—Federal agencies proposing to issue physical activity recommendations that differ from the recommendations in the most recent report published under subsection (a)(1) shall, as applicable and appropriate, take into consideration the recommendations provided through reports issued under this Act.

(c) EXISTING AUTHORITY NOT AFFECTED.—This section is not intended to limit the support of biomedical research by any Federal agency or to limit the presentation or communication of scientific or medical findings or review of such findings by any Federal agency.

(d) LIMITATION.—Notwithstanding any other provision of this Act, no physical fitness standard established under this Act shall be binding on any individual as a matter of Federal law or regulation.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

OSWALDO PAYÁ WAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 2045 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2045) to designate the area between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, as “Oswaldo Payá Way”.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2045) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the revolution led by Fidel Castro in Cuba in 1959 started 61 years of an ongoing dictatorship, systemic human rights abuses, and a lack of basic freedom of press, religion, assembly, and association that continue to this day under the Communist rule of Raúl Castro and his successor, Miguel Díaz-Canel;

(2) Oswaldo Payá Sardiñas was a Cuban political dissident dedicated to promoting democratic freedoms and human rights in Cuba;